OFN (COT)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JUN 19 AM 11:51
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Marino CANETE-Ramirez,** Defendant	Magistrate Docket No. '08 MJ 1891 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 17, 2008** within the Southern District of California, defendant, **Marino CANETE-Ramirez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **JUNE 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Marino CANETE-Ramirez

PROBABLE CAUSE STATEMENT

On June 17, 2008, Border Patrol Agent A. Mendoza was performing assigned duties in the Campo Border Patrol Station area of responsibility. At approximately 7:30 p.m., Agent Mendoza was advised of a citizen's report of 15 suspected undocumented aliens in an area located approximately 20 miles east of the Tecate, California Port of Entry and approximately 3 miles north of the United States/Mexico International Boundary.

Agent Mendoza responded to the area and after a brief search encountered eight individuals attempting to hide in the brush. Agent Mendoza identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship and nationality. All fifteen individuals, including one later identified as the defendant **Marino CANETE-Ramirez,** admitted to being citizens of Mexico without any documentation that would allow them to be in or remain legally in the United States. All fifteen were placed under arrest and transported to the station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 19, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to make a statement without an attorney present. The defendant stated the he is a citizen and national of Mexico and that he does not possess any documents allowing him to enter or to remain in the United States legally.